

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL NO. 5:10CR53-1-V**

UNITED STATES OF AMERICA

vs.

**JAMES PAUL BYRD,
Defendant.**

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ORDER

THIS MATTER is before the Court on Defendant's Post-Plea Notice of Appeal from Magistrate Judge's Revocation of Bond and Detention Order, pursuant to 18 U.S.C. § 3145(c), filed July 22, 2011. (Document #90) The Government opposes release. (Document #93)

Defendant Byrd is charged with conspiring to commit various child pornography offenses, namely, conspiring to distribute child pornography in violation of 18 U.S.C. §2252A(a)(2), to advertise, promote, present, distribute, or solicit through the mails child pornography in violation of 18 U.S.C. §2252A(a)(3)(B), and to possess or access with intent to view any media that contains child pornography in violation of 18 U.S.C. §2252A(a)(5)(B), as well as a substantive distribution offense under §2252A(a)(2). Byrd, the lead defendant, is identified as an administrator of one of the Facebook sites that allegedly operated as a forum for the distribution of pornographic images.

On July 22, 2011, Defendant tendered a guilty plea to both charged offenses. Upon acceptance of his guilty plea, the Magistrate Judge revoked Defendant's bond and ordered him detained. This appeal followed.

Within his appeal, Defendant contends that "exceptional reasons" exist that justify his release pending sentencing. *See* 18 U.S.C. §3145(c); United States v. Goforth, 546 F.3d 712 (4th Cir.2008). However, the Court finds that Defendant's desire to continue with his current group treatment with

Dr. Tyson is not exceptional. Similarly, the personal hardships described with respect to work and home are not exceptional. Defendant's appeal will be denied.

IT IS, THEREFORE, ORDERED THAT:

- 1) Defendant's Appeal of the Magistrate Judge's Order of Revocation / Detention Order is hereby **DENIED**; and
- 2) Defendant's motion for a hearing is **DENIED** as moot.

Signed: August 5, 2011

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

